

William T. Sali

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December 14, 2006

Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RE: MUR 5884

Gentlemen:

This is in response to the "complaint" filed against me by Dave Olson which has been assigned the MUR set out above. All of the information contained herein relates to the Primary and General campaigns for the First Congressional District for the state of Idaho which culminated in the General Election held November 7, 2006.

The exact nature of Mr. Olson's "complaint" is not clear from his writing. In fact I do not believe his writings are sufficient to constitute a "complaint" under your regulations or statutes. Nonetheless, I believe I do understand the dispute which has been ongoing between him and me.

I filed my initial Statement of Candidacy FEC Form 2 on August 8, 2005. Mr. Olson was one of the last candidates to file for that position and did not file his FEC Form 2 until March 10, 2006. He then "simultaneously" fulfilled the requirement of 11 CFR 400.20(b)(2) by faxing a copy of his FEC Form 2 to me and I believe all other opposing candidates as well. None of the earlier entrants faxed a copy of their FEC FORM 2 to Mr. Olson "simultaneously" with his filing on March 10, 2005. I do not believe there is any disagreement with these facts.

Mr. Olson believes that by the FEC Regulations each "opposing candidate" was then required to "simultaneously" fax their FEC Form 2 to Mr. Olson as well. I believe Mr. Olson's reading of the FEC regulations is incorrect and that nothing was required of the previously filed "opposing candidates" at that time. This has been the crux of the disagreement between Mr. Olson and me and I believe forms the basis of his purported "complaint".

I believe he is wrong for several reasons. First, the FEC Form 2 "STATEMENT OF CANDIDACY" and included "DECLARATION OF INTENT..." are in the form of a notice. That is, they are designed to give notice to those who have already filed an FEC Form 2 that another contestant has entered the race. There can be no other reason for this requirement apart from giving such notice. Requiring such notice to be given back to a party that has just notified you that he has entered the race would be superfluous.

Second, the "Instructions for Statement of Candidacy (FEC FORM 2)" describe how a candidate declares his candidacy with the FEC and all other previously filed candidates. Those instructions cannot be fairly read to create additional ongoing requirements for every candidate.

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Indeed, the requirements of 11 CFR 400.20(a)(1) describe what must happen "within 15 days of becoming a candidate" and 11 CFR 400.20(b)(2) set out requirements that must be met "simultaneously" when each candidate files their FEC FORM 2. Likewise, the "Instructions for Statement of Candidacy (FEC FORM 2)" set out the requirement for e-mail or faxing the FEC FORM 2 to "opposing candidates" as something that must be done "simultaneously" with the filing of a candidate's FEC FORM 2 with the FEC. No where else in the CFR, in the "Campaign Guide for Congressional Candidates and Committees or in any Instructions is there any such requirement for e-mailing or faxing a copy of the FEC FORM 2 to "opposing candidates" at a later time in the FEC filing process as Mr. Olson demands.

Third, as a practical matter giving "simultaneous" notice to a new entrant could not be performed according to the "Instructions for Statement of Candidacy (FEC FORM 2)". In the third column of page 1 of those instructions, under "House Candidates" the last sentence states "Fax numbers and electronic mail addresses for opposing candidates are available from the FEC's web site at www.fec.gov." Following that instruction, the earlier entrants, including me, would not be able to find Mr. Olson's e-mail or fax number on the web site on March 10, 2005 and would therefore be unable to "simultaneously" fax a copy of their FEC FORM 2 back to Mr. Olson.

I believe your regulations are clear that an "opposing candidate" is a person who has filed an FEC FORM 2 prior to the subject's FEC FORM 2 filing AND whose e-mail and fax information has been posted on the FEC website. To hold otherwise would create an impossible requirement for any candidate to follow the FEC instructions for FEC FORM 2. In context, on March 10, 2006, because his e-mail and fax information was not posted on the FEC web site, Mr. Olson could not have been considered an "opposing candidate" vis a vis the earlier entrants and there was therefore no requirement that any of us fax a copy of our FEC FORM 2 to him. Conversely, each candidate who had previously filed an FEC FORM 2 Statement would be considered an "opposing candidate" vis a vis Mr. Olson and the faxing requirement would apply to him completely with regard to each of us.

I have tried previously to explain my position to Mr. Olson, but to no avail as evidenced by his "complaint". In order to put this matter to rest, I would hope you would determine and advise us both as to which of us is correctly interpreting applicable statutes and regulations. That is, I hope you will "find no reason to believe that the complaint sets forth a possible violation of the Act", AND will also set out your reasoning - hopefully adopting my position - so that this matter will be dealt with in finality.

I would be happy to provide other information or explanation of my position as you desire.

Sincerely,



William T. Sali

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